

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CAROL BARTON,

Plaintiff,

Case No. 3:20-cv-00118

v.

Judge Campbell
Magistrate Judge Newbern

THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY, TENNESSEE,

JURY DEMAND

Defendant.

_____ /

PLAINTIFF'S MOTION *IN LIMINE* AND INCORPORATED MEMORANDUM

Plaintiff Carol Barton moves *in limine* to exclude the following evidence from trial: collateral source evidence.

I. Collateral Source Evidence

Receipt of unemployment compensation benefits, or any attempt to obtain them, are collateral source benefits. *See Rasimas v. Michigan Dept. of Mental Health*, 714 F.2d 614 (6th Cir. 1983). *See also Hamlin v. Charter Township of Flint*, 165 F.3d 426,433-436 (6th Cir. 1999); *Thurman v. Yellow Freight Systems, Inc.*, 90 F.3d 1160, 1170-71 (6th Cir.1996).

Plaintiff applied for and received unemployment benefits in 2020, but any mention of such relates to a collateral source benefit. Even if such evidence could be considered relevant, the danger of unfair prejudice and/or confusion of the issues for the jury substantially outweighs any probative value of the evidence. Fed. R. Evid. 403. The any mention of Plaintiff's receipt of unemployment benefits only serves to confuse and prejudice the jury.

Accordingly, Plaintiff requests the Court prohibit introduction of evidence concerning her receipt of unemployment benefits and any decision regarding the same.

Respectfully submitted,

HMC Civil Rights Law, PLLC

s/ Heather Moore Collins

Heather Moore Collins (# 026099)

Ashley Shoemaker Walter (#037651)

7000 Executive Center Dr., Suite 320

Brentwood, TN 37027

615-724-1996

615-691-7019 FAX

heather@hmccivilrights.com

ashley@hmccivilrights.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on October 16, 2022, the forgoing was served on counsel by email through the Court's CM/ECF system to:

J. Brooks Fox
Kelli F. Woodward
Benjamin A Puckett
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300

Attorneys for the Defendant

/s Heather M. Collins

Heather Moore Collins